

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

BRONSON SHELLEY SCD#353229,
PLAINTIFF,
V.

BRYAN P. STIRLING, J. MICHAEL
BROWN, INDIVIDUALLY AND IN THEIR
OFFICIAL CAPACITIES,
DEFENDANTS

COMPLAINT
CIVIL ACTION NO. _____

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I. JURISDICTION & VENUE

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (2)(3). PLAINTIFF SEEKS DECLATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 & 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.
2. THE U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (B) (2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

(1)

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II. PLAINTIFF'S

3. PLAINTIFF, BRONSON SHELLEY SCDC #353229, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF SOUTH CAROLINA IN THE CUSTODY OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN LIEBER CORRECTIONAL INSTITUTION, IN RIDGEVILLE, SOUTH CAROLINA.

III. DEFENDANTS

4. DEFENDANT, BRYAN P. STIRLING IS THE AGENCY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING KIRKLAND R&E, BROAD RIVER CORRECTIONAL INSTITUTION, LIEBER CORRECTIONAL INSTITUTION, KERSHAW CORRECTIONAL INSTITUTION, & EVANS CORRECTIONAL INSTITUTION.

5. DEFENDANT, J. MICHAEL BROWN IS THE HEAD CHAPLAIN AND THE CHIEF OF PASTORAL CARE SERVICES BRANCH. HE IS LEGALLY RESPONSIBLE FOR RELIGIOUS FAITH RECOGNITIONS, AND RELIGIOUS ACTIVITIES & PROGRAMS AT EACH INSTITUTION UNDER ITS JURISDICTION OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, INCLUDING BROAD RIVER & LIEBER CORRECTIONAL INSTITUTIONS.

(2)

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SALUDA

III. FACTS

1. ON AUGUST 19, 2016 PLAINTIFF RECEIVED A REQUEST TO STAFF MEMBER RESPONSE FROM CHAPLAIN JAMES CUTTINO CHAPLAIN AT LIEBER CORRECTIONAL INSTITUTION STATING THAT HE FORWARDED MY FAITH RECOGNITION REQUEST FOR "HEBREW ISRAELITE" WAS FORWARDED TO THE HEAD CHAPLAIN J. MICHAEL BROWN OF THE CHIEF PASTORAL CARE SERVICE BRANCH AT HEADQUARTERS, AND WAS WAITING ON A RESPONSE. (SEE: ATTACHMENT (A))
2. ON DECEMBER 21, 2016 I REQUESTED THE STATUS ON OF FAITH RECOGNITION FOR THE HEBREW ISRAELITE FAITH GROUP, AND ON JANUARY 13, 2017 I RECEIVED A RESPONSE VIA REQUEST TO STAFF FORM THAT NO DECISION FROM HEADQUARTERS ON THE FUTURE RECOGNITION OF THE HEBREW ISRAELITE RELIGION. (SEE: ATTACHMENT (B))
3. ON MARCH 31, 2017 PLAINTIFF SUBMITTED A REQUEST TO STAFF MEMBER FORM ON THE STATUS OF THE "HEBREW ISRAELITE" FAITH RECOGNITION PROCESS REQUEST, AND ON APRIL 4, 2017 RECEIVED A RESPONSE FROM CHAPLAIN CANNON OF THE EVANS CORRECTIONAL INSTITUTION, THAT THEY WOULD LET ME KNOW ABOUT THE FAITH RECOGNITION. (SEE: ATTACHMENT (C))
4. ON AUGUST 28, 2017 PLAINTIFF RECEIVED A MEMORANDUM FROM ATTORNEY SHERMAN L. ANDERSON, CHIEF, OFFICE OF GENERAL COUNSEL - INMATE GRIEVANCE BRANCH THAT THE SCDC GENERAL COUNSEL'S OFFICE WAS REVIEWING PLAINTIFF'S REQUEST FOR THE HEBREW ISRAELITES TO BE RECOGNIZED, AND THAT I WOULD BE NOTIFIED OF THE OUTCOME. (SEE: ATTACHMENT (D)) (1) (3)

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IV. EXHAUSTION OF LEGAL REMEDIES ATTEMPTED AN INFORMAL RESOLUTION

5. ON SEPTEMBER 19, 2017 PLAINTIFF SUBMITTED A REQUEST TO STAFF MEMBER FORM TO CHAPLAIN, SR. STEVEN HENDRICKS ON THE STATUS OF THE HEBREW ISRAELITE FAITH RECOGNITION REQUEST, AND RECEIVED A RESPONSE ON SEPTEMBER 21, 2017, WHICH STATED CHAPLAIN BROWN SUBMITTED PLAINTIFF'S FAITH RECOGNITION REQUEST TO SCDL LEGAL DEPARTMENT, THAT THEY WERE WORKING ON IT, BUT HAVE NOT REACHED A RESOLUTION SO FAR.

(SEE: ATTACHMENT (E))

6. ON SEPTEMBER 25, 2017 PLAINTIFF FILED A GRIEVANCE ALLEGING HE WAS BEING SUBJECT TO DISCRIMINATION AND ARBITRARY DENIAL OF THE ABILITY TO PRACTICE HIS FAITH BEYOND WHAT IS NEEDED FOR THE SAFETY, SECURITY, AND PROPER FUNCTIONING OF THE INSTITUTION. PLAINTIFF ALSO ALLEGED HIS RELIGIOUS EXERCISE IN S.C.D.C. IS OFTEN LIMITED IN EXCESSIVE AND UNNECESSARY WAYS. AND THAT BY FAILING TO RECOGNIZE HIS GROUP IMPOSES FRIVOLOUS AND ARBITRARY RESTRICTIONS ON HIS RELIGIOUS LIBERTY. IN VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHTS OF THE UNITED STATES CONSTITUTION & (R.L.U.I.P.A) RELIGIOUS LAND USE INSTITUTIONALIZED PERSON'S ACT. AND THAT PLAINTIFF WAS DENIED THE OPPORTUNITIES TO PRACTICE HIS RELIGION EVEN WHEN SUCH PRACTICE WOULD NOT HAVE HARMED THE DISCIPLINE, ORDER, OR SAFETY OF THE INSTITUTION. AND THAT BY FAILING TO RECOGNIZE PLAINTIFF'S FAITH GROUP PLACES RESTRICTIONS ON THE PRACTICE OF RELIGION IN THE PRISON CONTEXT, AND IS COUNTER-PRODUCTIVE TO REHABILITATION. (SEE: ATTACHMENT (F)(1))

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7. PLAINTIFF'S ACTION REQUESTED ON GRIEVANCE BRCI-0521-17 WAS THAT THE FAITH GROUP "HEBREW ISRAELITES" BE RECOGNIZED AS A BONA-FIDE RELIGION WITHIN SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ALLOWED KOSHER AND VEGAN DIETS, BE ALLOWED TO GROW THEIR HAIR IN LOCKS, BRAIDS OR AFRO-STYLES AND GROW LONG BEARDS WITH NO LIMITATIONS ON HAIR LENGTH. (SEE: ATTACHMENT (F) (1))

B. PLAINTIFF ALLEGES THAT THE "VOW OF THE NAZIR" OR NAZIRITE IS OUTLINED IN NUMBERS CHAPTER (6) SIX OF THE TORAH OR HOLY BIBLE AND THAT HEBREW ISRAELITES WHO SEPERATE AND CONSECRATE THEMSELVES TO (GOD) YAHWEH BY NOT CUTTING THE HAIR UPON THE HEAD AND FACE AND ABSTAINING FROM WINE AND FOOD FROM THE VINE. PLAINTIFF ALLEGES THAT MANY HEBREW ISRAELITES ARE NAZIRITES FROM BIRTH, AS IS OUTLINED IN JUDGES 13:4-5 "4 NOW THEREFORE, PLEASE BE CAREFUL NOT TO DRINK WINE OR SIMILAR DRINK AND NOT TO EAT ANYTHING UNCLEAN. 5 FOR BEHOLD, YOU SHALL CONCEIVE AND BARE A SON. AND NO RAZOR SHALL COME UPON HIS HEAD, FOR THE CHILD SHALL BE A NAZIRITE TO GOD FROM THE WOMB;"

B. PLAINTIFF ALLEGES THAT KOSHER MEALS IS AN INTEGRAL PART OF THE HEBREW ISRAELITE FAITH AS OUTLINED IN LEVITICUS CHAPTER ELEVEN, & THE LAW OF THE "KASHRUTH" KOSHER DIETARY LAWS.

ON 10/17/17

9. PLAINTIFF'S GRIEVANCE NO. BRCI-0521-17 WAS RETURNED UNPROCESSED AND STATED THAT ~~PLAINTIFF~~ PLAINTIFF FAILED TO AWAIT SCDC LEGAL DEPARTMENT, RESPONSE BY CHAPLAIN HENDRICKS FOR HIS FAITH RECOGNITION REQUEST. (SEE: ATTACHMENT (F) (2)) (5)

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10. ON NOVEMBER 8, 2017 PLAINTIFF SUBMITTED A 19-11 REQUEST TO STAFF MEMBER FORM TO APPEAL THE UNPROCESSED GRIEVANCE NO. BRCI-0521-17 PURSUANT TO AGENCY POLICY ~~TO~~ TO THE CHIEF GRIEVANCE BRANCH, IT WAS RECEIVED ON NOVEMBER 13, 2017 BY THE INMATE GRIEVANCE OFFICE. (SEE ATTACHMENT (G))

11. ON NOVEMBER 27, 2017 PLAINTIFF RECEIVED A RESPONSE FROM ATTORNEY SHERMAN L. ANDERSON, CHIEF OF THE INMATE GRIEVANCE BRANCH, OFFICE OF GENERAL COUNSEL WHO ~~RECEIVED~~ RESPONDED ON ~~NOVEMBER~~ NOVEMBER 8, 2017 THAT THE RECEIPT OF THE (RTSM) REQUEST TO STAFF MEMBER SCDC 19-11 APPEAL TO GRIEVANCE NO. BRCI-0521-17 WAS BEING RETURNED IN ACCORDANCE TO SCDC POLICY, GA-06.04, "REQUEST TO STAFF MEMBER", THAT PLAINTIFF SHOULD CONTACT LOCAL INMATE GRIEVANCE COORDINATOR FOR ASSISTANCE IN FILING GRIEVANCE, AND THAT THE ISSUE OF RECOGNITION OF PLAINTIFF'S FAITH HAD BEEN ADDRESSED IN A GRIEVANCE. (SEE ATTACHMENT (H))

12. ON 5/12/18 PLAINTIFF FILED A GRIEVANCE ON AGENCY DIRECTOR BRYAN P. STIRLING & CHIEF PASTORAL SERVICES BRANCH J. MICHAEL BROWN FOR NOT RECOGNIZING PLAINTIFF'S FAITH GROUP AND DELAYING THE FAITH RECOGNITION PROCESS FOR OVER TWO YEARS, & FOR DISCRIMINATORY OR ARBITRARY DENIAL OF THE ABILITY TO PRACTISE PLAINTIFF'S FAITH BEYOND WHAT IS NEEDED FOR THE SAFETY, SECURITY, AND PROPER FUNCTIONING OF THE INSTITUTION, WHICH LIMITS THE PLAINTIFF'S EXERCISE IN EGREGIOUS AND UNNECESSARY WAYS AND IMPOSES FRIVOLOUS AND ARBITRARY RESTRICTIONS ON PLAINTIFF'S RELIGIOUS LIBERTY. PLAINTIFF'S GRIEVANCE WAS RETURNED UNPROCESSED AS A DUPLICATE TO ISSUES IN ECI-0418-17 ON 5/24/18. (SEE ATTACHMENT (I) (1), (2))

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V. LEGAL CLAIMS

12. PLAINTIFF REALLEGE AND INCORPORATE REFERENCE PARAGRAPHS 1-11.

13. THE DEFENDANT BRYAN P. STIRLING AGENCY DIRECTOR VIOLATED PLAINTIFF'S FIRST AMENDMENT CONSTITUTIONAL RIGHTS OF THE UNITED STATES CONSTITUTION AND RELIGIOUS LAND USE INSTITUTIONALIZED PERSONS ACT (R.L.U.I.P.A.).

14. THE DEFENDANT J. MICHAEL BROWN HEAD CHAPLAIN CHIEF PASTORAL CARE SERVICES BRANCH VIOLATED PLAINTIFF'S FIRST AMENDMENT RIGHTS OF THE UNITED STATES CONSTITUTION AND RELIGIOUS LAND USE INSTITUTIONALIZED PERSONS ACT (R.L.U.I.P.A.).

15. THE PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

VI. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTIVELY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

16. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

(7)

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17. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS BRYAN P. STIRLING, AND J. MICHAEL BROWN TO RECOGNIZE THE HEBREW ISRAELITE FAITH, HIGH HOLY DAYS, HOLY DAYS, KOSHER DIETARY LAWS, HOLY FEASTS DAYS, AND PROSCRIBED HAIR ~~CONSECRATION~~ ~~CONSECRATION~~ CONSECRATION LAWS, WEARING OF TURBANS AND FRINGED GARMET WHICH CAN BE WORN UNDERNEATH SCDC UNIFORM, PRAYER SHAWL, HEBREW ISRAELITE LITATURE AND RELIGIOUS MEDALLIONS AND SIGNET RING WHICH DENOTES TRIBAL ORIGIN AMONG THE 12 HEBREW ISRAELITE TRIBES. THE USE OF FRANKINCENSE, MYHR, OLIVE OIL, MENORAH CANDLES, GRAPE JUICE SUBSTITUTE FOR WINE, MATZA BREAD AND OTHER HEBREW ~~CONSECRATION~~ RELIGIOUS CUSTOMS AND RITUALS. TO BE ALLOWED TO ASSEMBLE AND HOLD WORSHIP SERVICES, HEBREW LANGUAGE AND CULTURE CLASSES, FAST DAYS, AND THE RIGHT TO RECIEVE PASTORAL, CLERY VISITS FROM HEBREW ISRAELITE ELDERS, MOREHS (TEACHERS) COHANIM (PRIESTS), ETC. AND TALMUDIM (DISCIPLES), ETC. ETC. - ALLOWING THE PLAYING AND PERFORMING OF ISRAELITE MUSIC DURING SERVICES. TO STOP PROHIBITING THE FREE EXERCIZE THEREOF AND THE GROWTH OF HAIR WITH^{OUT} LIMETATIONS. OR THE USE OF KOSHER AND KOSHER FOR PASSOVER AND VEGAN MEALS.

18. COMPENSATORY DAMAGES IN THE AMOUNT OF \$1,000,000 AGAINST EACH DEFENDANT,

19. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

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20. PLAINTIFF'S COST IN THIS SVIT.

21. ANY ADDITIONAL RELIEF THIS COURT
DEEMS JUST, PROPER AND EQUITABLE.

DATED: 7/26/18

RESPECTFULLY SUBMITTED,

BRONSON SHELLEY SCDC#353229
LIEBER CORR. INST. / RIU-A-120
P.O. BOX 205
RIDGEVILLE, S.C. 29472

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT
AND HEREBY VERIFY THAT THE MATTERS ALLEGED
ON INFORMATION AND BELIEF, AND, AS TO
THOSE I BELIEVE THEM TO BE TRUE. I CERTIFY
UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.

EXECUTED AT RIDGEVILLE, SOUTH CAROLINA ON

7/26/18

Bronson Shelley
BRONSON SHELLEY

(9)

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SALUDA